

**CITY COUNCIL MEETING
JULY 20, 1994**

ALLEGATIONS BY RON PIRKIG

Ron Pirkig, Woodbridge, who is employed with the City of Lodi as a tree trimmer, complained that the City of Lodi is "forcing" a medical disability retirement on him and a fellow co-worker. City Attorney McNatt interrupted and cautioned the City Council that this workers compensation case is currently ongoing. Mr. Pirkig continued by making several allegations against City of Lodi management employees receiving special favors and equipment for personal use and employees using City vehicles to drive to restaurants and garage sales. City Attorney McNatt responded that if the allegations were true, criminal actions could be taken, and further recommended that Mr. Pirkig go directly to the Grand Jury. Following discussion among the City Council and Mr. Pirkig, the City Council directed staff to refer the matter to the Grand Jury and that the City Manager conduct an independent investigation.

FILE NO. CC-6 AND CC-34

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY C. DAVENPORT
PHILLIP A. PENNING
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

July 21, 1994

Mr. Joe Handel, Foreperson
San Joaquin County Grand Jury
222 E. Weber Avenue
Stockton, California 95202

Subject: Request for Investigation

Dear Mr. Handel:

At the direction of the Lodi City Council, the purpose of this letter is to request that the Grand Jury undertake an independent investigation of certain allegations raised by a City employee at the Council meeting of July 20, 1994. Specifically, Ron Pirkig, a tree trimmer in the City Public Works Department alleged that City staff and resources have been improperly used for the personal benefit of some City management employees. Mr. Pirkig stated that in the past when trees were cut down in the tree removal program, they were cut into firewood and given to specific management people. Also according to Mr. Pirkig, City owned chain saws "ended up in certain City workers hands, mostly management."

If proven, these allegations could amount to misconduct warranting discipline by the City or, at least theoretically, criminal conduct. On that basis, my directions from the City Council are to request that the Grand Jury investigate.

Attached is a verbatim transcript of Mr. Pirkig's comments at the July 20, Council meeting. I am also in the process of obtaining a duplicate video tape of the meeting which I will forward next week under separate cover.

I believe Mr. Pirkig's address is 300 Stirling Street, Woodbridge, California 95258. He can also be contacted days for the next week through the City Public Works Department.

Please let me know if anything further is required.

Respectfully,



BOB W. McNATT
City Attorney

BM:pn

cc: City Council
City Manager
Public Works Director

TRANSCRIPTION OF JULY 20, 1994 REGULAR COUNCIL MEETING
PUBLIC COMMENTS SECTION
RON PIRKIG AND RELATED DISCUSSION

DATE: July 21, 1994

LEGEND: JS = Mayor Jack Sieglock
RP = Ron Pirkig
BM = City Attorney Bob McNatt
RD = Council Member Ray Davenport
TP = City Manager Tom Peterson
JG = Assistant City Manager Jerry Glenn
SM = Council Member Steve Mann

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- JS Okay, we'll now go on to comments by the public. And the first card I have is for Ron Pirkig. Am I saying your last name correctly?
- RP Yes.
- JS Please come forward and state your name and address if you wish.
- RP I'm Ron Pirkig, I live in Woodbridge. Um, the reason I'm here tonight gentlemen, is to inform you on a few little things that happened. I work for the City of Lodi as a tree trimmer, I've been here for 10 and 1/2 years. Next week apparently is my last week to work for the City of Lodi, I'm having a medical retirement forced on me, I'm still fighting this now. The Senior Lead Tree Trimmer, Gary O'Nesky...
- JS Mr. City Attorney, did you want to break in?
- BM If I may Mr. Mayor, and I apologize to Mr. Pirkig for the interruption, but this is a matter which is presently under worker's compensation litigation and involves a personnel matter, so while this gentleman is certainly free to say what he wishes to, I would advise the council to refrain from comment on this.
- JS Thank you. Go ahead Mr. Pirkig.
- RP Ok. I've got 10-1/2 years with the City and the Senior Lead Tree Trimmer Gary O'Nesky has 20 years in so between the two of us we have 30 years with the City of Lodi, and also between the two of us we worked as tree trimmers before we came here, we have almost 60 years between us. Like I said, this is being forced on both of us and we are fighting this. What I'd like to bring to your attention is, approximately the first 5-6 years that I worked for the City of Lodi as a tree trimmer, in our sycamore season which is in the winter months and our tree removal program, we were under direct orders to cut firewood for certain city leaders and haul this firewood to a well site next to Lodi Lake. This firewood was kept under lock and key and on weekends certain managers and whoever would come in, run it through a wood splitter, come in and haul this wood home for their own personal use or to my understanding, to certain people that work up at City Hall. Not only that, once a year we get a new 700 Promack chain saw which is one of our bigger saws. Every year the old one is traded in and all through the years, especially during this wood cutting time, these chain saws were brought to us usually on a daily basis, sometimes twice a day. We would sharpen these saws, put new filters in them, clean them up, whatever it was... what I'm saying to you now is these saws that were traded in ended up in certain City worker's hands, mostly management. Also, I would like to bring

to your attention that apparently a deal has been cut for the least senior tree trimmer, whose Donny Jackson, has 3 years here, he's supposedly is going to be dropped down to a Maintenance Worker II. Of course this is kind of hard for me to take because I've got a lot of time over him and also Gary does. I have been working approximately for the last year and a half under modified duty as a Maintenance Worker. I have a list of 2-1/2 pages long of jobs that I have performed, I still think I am a valuable worker for the City, and you are right I'm going to take this to the State and the ADA. I have an appointment in approximately 30 days, okay. I would like to bring something else to your attention. I think it was Mr. Alegre about 4 or 5 months ago, called somebody at City Hall and it got back to the yard. I'd like to tell you Mr. Alegre that for the last year, year and a half the least senior man has been running the crew, this is Donny Jackson. You had had a private complaint from a citizen about the work this man was doing, pulling on off the job. I would like to tell you right now that the wool was pulled over your eyes. This man has taken the truck to restaurants, fast food places, and to yard sales and garage sales. He has taken the whole crew there. You have my word on in. If any of you guys want to talk to me later on, I understand I have five minutes here so I'm rattling off, okay. So the wool was pulled over your eyes. And everything I'm telling you gentlemen tonight I can prove, okay. Now I want to bring something else to your attention, okay? When I first started working as a tree trimmer for the City of Lodi, we trimmed power lines for the utility department. We worked 6 months out of the year in backyards trimming power lines, the other 6 months out of the year we trimmed street trees. During this time I was under direct orders, as was the rest of the tree crew, to work in Mr. Jack Ronsko's back yard under the pretenses of trimming his power lines out. He does have power line in his yard, okay. But this doesn't change the fact, gentlemen, that on three different occasions I have worked in this man's yard under orders from Glen Baltzer, to take care of the man, I quote, take care of the man, okay. I have trimmed trees off, his own personal trees, off his roof, away from his fireplace chimney, and I have also taken down three pine trees in his yard. This is all on City time, I was paid by City, by you City gentlemen here, taxpayer money, to do this for Mr. Ronsko. I have also worked in Glen Baltzer's back yard on City time. I also know of another two gentlemen have worked in Mr. Baltzer's house on City time. Mr. Baltzer had me go in his backyard and trim a neighbor's tree without the neighbor's permission, it was a big diador cedar tree, the reason for my being there was to take all the limbs that overhung his yard and cut them off. I stripped the tree, it took me all day, we had to rope the limbs down, there was two of there, of course we were under direct supervision to take care of this man also. It took a total of 8 hours. This was done without the property owner's permission or knowledge. The tree no longer exists, its been removed, but we did groom the tree. Nothing ever become of this. There are a lot of other things I can tell you, you just wouldn't believe. So...

JS Mr. Perkig.

RP Yes.

JS Your time has gone by, but what I'd like you to do is, if you want to list those out, 'cuz I would like the City Manager to look into those matters.

RP I would like to tell you, last week I had a meeting with Jerry Glenn over this, so he's aware of some of it, not all.

JS Okay.

RP There is much more, believe me.

JS I'd like to look into those matters.

RP Yeah.

RD Ask for comments, Mr. Mayor.

JS Okay, hold on. Mr. City Manager.

TP Mr. Glenn, Mr. Glenn did you have a comment at this time?

JG No.

JS Mr. McNatt.

BM Thank you Mr. Mayor. I was simply going to recommend that some of the actions that this gentleman describes, if true, ...

RP They are true.

BM ...would be criminal violations.

RP They are true.

BM You've indicated that you can prove them and on that basis I would recommend...

RP Yes, I can, I have witnesses...

BM Excuse me. I would recommend that you go directly to the grand jury with these allegations...

RP Well that's fine with me.

BM If they are not true you may have exposed yourself to liability.

RP I don't care what you say, I'm telling you okay, I'll go to the grand jury, I have nothing to hide.

JS Mr. Davenport.

RD Thank you Mayor Sieglock. First of all Mr. Pirkig, Pirkig, how do you say your name?

RP Pirkig.

RD Pirkig. I think, I think that it takes a lot of courage for you to come forward and say these things.

RP Well what you have here tonight is a very angry man. I think that myself and the senior tree trimmer have been taken advantage of.

RD Well, you know, I think you're controlling your anger pretty good, and I think you have...

RP Well, you know, we're both very qualified men, we have no right to have this forced medical retirement put on us.

RD I have a ...

- RP What they're gonna do is pay me about \$800 a month and that qualifies me for welfare.
- RD I have a question for you. Do you feel as a former City employee or as a still, you're still a City employee?
- RP I am at this time, yes.
- RD Do you feel that as a City employee that if you would come forward...you see, some of these things you're describing like Mr. Baltzer, Mr. Baltzer's already gone, he's retired.
- RP I realize that.
- RD Now the question I have for you and some of the, that I think's real important, do you feel like the City employees, maybe yourself, and I'm not asking you to, you know, speak for the other person, but do you feel like that if, if City employees come forward and identify some of these things publicly, that they will be retaliated against or that their jobs will be taken by the management.
- RP Well I, I, that's possible. The reason I'm here right now is I don't feel I have anything to lose. Next week's my last week of work. I can't speak for the other guys.
- RD Well I don't, I want to say something right now...
- RP I wouldn't doubt it though, I wouldn't doubt it.
- RD I want to say something right now. I don't want this man let go or laid off, it's my personal view, until we get to the bottom of this, because I feel that some of these things need to be investigated and that we need to put him on administrative leave or whatever it is 'til we find out if what he's saying is true. And if he's acted reasonably and correctly, then we need to discipline these people and as far as going to the grand jury, that's probably good advise that the City Attorney gave to go to the grand jury. But do you want, I also want to tell you that this year you know who sitting on the grand jury? Fred Reid. You know where he used to sit? Right here. You know what he is? Pro City. So things can get buried in the Grand Jury.
- RP Well I'm willing, I'm willing to go
- RD I've heard of 80 items at one time through the Grand Jury.
- RP I'm willing to go. One more thing I want to say as far as Donny Jackson is concerned.
- JS Mr. Perkig, you're time is up.
- RP My time's up.
- RD Well he's having a discussion with me, so...
- RP Okay if anybody wants to talk to me later on, you know where I'm at.
- RD Give me a call, I'd be happy to talk with you and also would you list all of those and any other people that you know, have them list so that we can get to the bottom of it.
- RP I'm probably the only one that's gonna do it.

RD Well, that may be true. Ya gotta start somewhere.

JS Mr. Peterson.

TP Mr. Glenn has a comment.

JS Mr. Glenn.

JG Mr. Mayor and members of the Council. I wasn't going to say anything, but I think that some of Mr. Pirkig's comments need to be put into context. I certainly will not address the medical evidence that we have outlining why both he and Mr. O'Nesky should be, are no longer able to perform the duties of a tree trimmer. Mr. Pirkig came into my office on the 13th and reiterated some of the things that he told you. I made, as soon as he left, I made a note to file listing those things and Mr. Luebberke, the Deputy City Attorney, was there when I was doing this and asked questions just to refresh my memory and make sure that things were there. On the 14th I informed the City Manager of this, these allegations, and immediately began an investigation. The first person, of course, that I talked to was Mr. Ronsko, and the most surprising thing that Mr. Ronsko told me is that Mr. Pirkig had already been to Mr. Bradley, the Street Superintendent, and told Mr. Bradley that if something wasn't done about this that he was going to the City Manager. When Mr. Pirkig told me these things, my question to him was, why are you telling all of these things to me, and his answer was well, maybe you will just keep me on the payroll and let me continue to work and retire when I please. I think Council needs to understand the context in which Mr. Pirkig is here, and certainly we are investigating the things that he told me and we'll follow up on those charges. But I agree that the things that he mentioned are criminal in nature and he should go to the Grand Jury.

JS Thank you. Mr. Davenport.

RD Thanks Mayor Sieglock. I'd to have a, see what he told you on that particular day, right them down, whatever your notes were, I'd like to see those notes, and I want to just say from a personal point of view that when I worked for the Fire Department for 20 years, that certain management people came over there, we had a no loan policy on tools, and they were given the tools, and Mr. Ronsko was one of them. And I can give a, recite an example where he was at one time given a pump, a portable pump, for his friend, or swimming pool, or some whatever use it was. It was no particular big deal to me, but these things happen, on this issue for instance of the wood, I know that there's some truth in what this man says about that wood, that some management personnel over the years have got it and some managers it was designated ...

RP Right.

RD ...because I've been to scenes and seen it myself. Maybe we should have a policy and a change where that we take the wood and we sell it.

JS Mr. Davenport ...

RD Those are things that we need to look into.

JS You're acting as judge, jury and executioner here, and this

RD Yeah, and you're acting as smart aleck is what you're doing.

JG Let me address, let me...

JS Well, thank you for your comment. The fact of the matter is you're assassinating people's characters here...

RD No, I'm not assassinating anybody...

JS They're not here to defend themselves, they're not here to defend themselves, it's unfair.

RD I'm saying that these things happened, and that we need to look into it and I don't want it white washed by such people as you.

JS There's no white wash Mr. Davenport.

RD Well then you shouldn't try to shut me up.

JS The City Manager... I'm not trying to shut you up, I'm just trying to point out to the public that this is not a forum to act as judge, jury and executioner, and ...

RD I certainly am not.

JS to assassinate people's character when they're not here to ...

RD I'd like to find out the facts.

JS ... to defend themselves. Mr. Mann.

RD Because I know some of the facts also.

JS Thank you very much.

SM I have a question for the City Attorney. Can the City Council on its own request a Grand Jury investigation in a situation like this?

BM Yes it can.

SM I think we ought to think about that. The charges, while they may or may not be true, I don't know. And they are criminal in nature and they are serious. If they are true I think appropriate steps ought to be taken, I don't care who it involved.

BM And I believe that the Grand Jury has access to the resources of the District Attorney's investigative staff where an independent investigation can be done if that is the desire.

SM It would be my recommendation that we do formally ask the Grand Jury to investigate the charges so there be no doubt that this Council will not condone ...

JS That kind of activity.

BM I would be happy to contact the Grand Jury.

SM any, any conduct of this type, and I would rather the Grand Jury do it than the audience or us.

BM I would be happy to contact the Grand Jury if that's the desire of council. I think that's probably a wise move for an independent investigation because the charges here tonight,

made, are very serious, as I said earlier they are in some cases criminal if proven, and if these have occurred, we need to know about it.

SM Does that require, does that...

BM If these are not true, we also need to know that.

JS Do you need a motion from us? Do you need a motion

BM No, it's not necessary.

RD I have a comment.

JS Go ahead Mr. Davenport.

RD Oh thanks Mayor Sieglock. I think that contacting the Grand Jury is fine and they can look into it, however I believe that this, these things have been ongoing in the past, at least allegedly, over a number of years, there's a history and a track record which we don't have to be judge, jury and executioner, we can just go back and look. Any reasonable man can see that there's been some things and some poor management that may be, need to be adjusted. I think what we should do and I what I think as a Council we should do is we should allow the, form a hearing with this Council and executive session, these are City employees, it concerns our manager, it concerns our staff and it concerns our workers. And that we should set up a hearing and if it needs to be open or closed its immaterial to me, but we should conduct the hearing ourselves so that we have an opportunity as a Council to ask these people questions to say, did you do this, did you do that, and let them bring it forward, and so that we can see because this has a, if we just whitewash it by going to the Grand Jury as Mr. McNatt is suggesting that this is criminal. But maybe its more than just criminal, what it has to do with is the organization and the running of our City and spending our dollars and what our people do. And we need to know what we do and they need to... I think he should probably go through a grievance process, but I think that he's been eliminated so he has no grievance process maybe on one sense of the word so he's come down here with a great amount of courage to try to alert the Council and I don't think we should turn his back on him. I think we should hold a hearing ourselves and I'll be in favor of it and support it.

JS Okay.

RD So when are we gonna do it?

JS We are going to refer it to the Grand Jury and we're also going to have the City Manager conduct an investigation.

RD Well I want all the voters to remember that, hopefully.

JS And we'll take your thought under advisement.